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13 Attorneys for defendants Consumer Law
14 Associates, LLC; Jimmy Persels and Neil
15 Ruther

16 UNITED STATES DISTRICT COURT
17 EASTERN DISTRICT OF WASHINGTON

18 KENNETH R. BROWN, individually
19 and on behalf of a Class of similarly
20 situated Washington residents,
21 Plaintiff,

22 v.

23 CONSUMER LAW ASSOCIATES
24 LLC, a Maryland Limited Liability
25 Company; JIMMY B. PERSELS, a
26 Maryland Attorney; NEIL J. RUTHER,
a Maryland Attorney; DR OPTIONS
LLC d/b/a DEBT RELIEF OPTIONS
LLC, a Texas Limited Liability
Company; EFA PROCESSING L.P., a
Texas Limited Partnership and JOHN
AND JANE DOES 1-20,
Defendants.

No. CV-11-194-LRS

DECLARATION OF
CHRISTOPHER N. WEISS

[Class Action]

DECLARATION OF CHRISTOPHER N. WEISS - 1

1 Christopher N. Weiss hereby declares as follows:
2

3 1. I am over the age of 18 years of age, have personal knowledge of the
4 matters and facts set forth herein and a partner at the law firm of Stoel Rives LLP,
5 counsel for Defendants Consumer Law Associates, LLC; Jimmy Persels and Neil
6 Ruther.
7

8 2. Attached as Exhibit A is a true and correct copy of the Class Action
9 Summons and Class Action Complaint, together with true and correct copies of all
10 records and proceedings on file as of May 16, 2011, in the Spokane County
11 Superior Court Case No. 11-201577-1.
12

13 3. Attached as Exhibit B is a true and correct copy of the Transmittal of
14 Service of the Summons and Class Action Complaint on Defendant Consumer Law
15 Associates LLC.
16

17 4. Attached as Exhibit C is a true and correct copy of the Notice of
18 Filing Notice of Removal (without attachments), that was served by mail on
19 Plaintiffs May 16, 2011 and filed with the Spokane County Superior Court on May
20 17, 2011.
21
22

23 I hereby declare and affirm under the penalties of perjury under the laws of
24 the State of Washington, that the contents of the aforesaid declaration are true and
25 correct to the best of my knowledge, information, and belief.
26

DECLARATION OF CHRISTOPHER N. WEISS - 2

1 DATED: May 16, 2011 at Seattle, WA

2 
3 Christopher N. Weiss

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DECLARATION OF CHRISTOPHER N. WEISS - 3

Certificate of Service

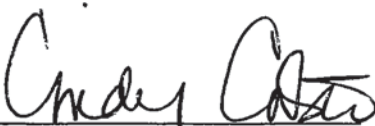
I, Cindy Castro, certify that at all times mentioned herein, I was and am a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On May 16, 2011, I caused a true and correct copy of the foregoing document to be served on counsel of record for plaintiffs in the above-captioned action by pdf/email and by U. S. mail:

Darrell W. Scott
Matthew J. Zuchetto
THE SCOTT LAW GROUP, P.S.
926 W. Sprague Avenue, Suite 680
Spokane, WA 99201
Tel: 509-455-3966
Email: scottgroup@mac.com
Email: matthewzuchetto@mac.com

Beth Terrell
Toby Marshall
Jennifer Rust Murray
TERRELL MARSHALL DAUDT & WILLIE
936 North 34th Street, Ste 400
Seattle, WA 98103
Email: bterrell@tmdlegal.com
Email: tmarshall@tmdlegal.com
Email: jmurray@tmdlegal.com

DATED: MAY 16, 2011


Cindy Castro, Legal Secretary

DECLARATION OF CHRISTOPHER N. WEISS - 4

EXHIBIT A

COPY
ORIGINAL FILED

APR 18 2011

THOMAS R. FALLOQUIST
SPOKANE COUNTY

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

KENNETH R. BROWN, individually and on
behalf of a Class of similarly situated
Washington residents,

Plaintiff,

v.

CONSUMER LAW ASSOCIATES LLC, a
Maryland Limited Liability Company;
JIMMY B. PERSELS, a Maryland Attorney;
NEIL J. RUTHER, a Maryland Attorney; DR
OPTIONS LLC d/b/a DEBT RELIEF
OPTIONS LLC, a Texas Limited Liability
Company; EFA PROCESSING L.P., a Texas
Limited Partnership; and JOHN AND JANE
DOES 1-20,

Defendants.

NO.

11201577-1

CLASS ACTION

SUMMONS

**TO DEFENDANT CONSUMER LAW ASSOCIATES, a Maryland Limited Liability
Company:**

A lawsuit has been started against you in the above-entitled Court by Kenneth R.
Brown, individually and on behalf of a Class of similarly situated Washington residents.
Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon
you with this Summons.

SUMMONS: 1

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
220 W. SPRING ST., SUITE 100
SPOKANE, WA 99201-4200
(509) 355-1900

EXHIBIT A

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1
2 In order to defend against this lawsuit, you must respond to the Complaint by stating
3 your defense in writing, and by serving a copy upon the person signing this Summons, within
4 twenty (20) days after the service of this Summons, excluding the day of service, or a default
5 judgment may be entered against you without notice. A default judgment is one where Plaintiff
6 is entitled to what he asks for because you have not responded. If you serve a Notice of
7 Appearance on the undersigned person, you are entitled to notice before a default judgment
8 may be entered.

9 You may demand that the Plaintiffs file this lawsuit with the Court. If you do so, the
10 demand must be in writing and must be served upon the person signing this Summons. Within
11 fourteen (14) days after you serve the demand, the Plaintiffs must file this lawsuit with the
12 Court, or the service on you of this Summons and Complaint will be void.

13 If you wish to seek the advice of an attorney in this matter, you should do so promptly
14 so that your written response, if any, may be served on time.

15 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
16 State of Washington.

17 DATED this 18th day of April, 2011.

18 THE SCOTT LAW GROUP, P.S.

19
20 By: 

DARRELL W. SCOTT, WSBA #20241
MATTHEW J. ZUCHETTO, WSBA #33404
926 W Sprague Avenue, Suite 680
Spokane, Washington 99201
Telephone: (509) 455-3966

23 -and-

24 BETH E. TERRELL, WSBA #26759
25 TOBY J. MARSHALL, WSBA #32726

SUMMONS: 2

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EXHIBIT A

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JENNIFER RUST MURRAY, WSBA #36983
TERRELL MARSHALL DAUDT & WILLIE PLLC
936 North 34th Street, Suite 400
Seattle, Washington 98103
Telephone: (206) 816-6603

Attorneys for Plaintiff

SUMMONS: 3

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ORIGINAL FILED

APR 18 2011

THOMAS R. FALLOUIST
SPOKANE COUNTY

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

KENNETH R. BROWN, individually and on
behalf of a Class of similarly situated
Washington residents,

Plaintiff,

v.

CONSUMER LAW ASSOCIATES LLC, a
Maryland Limited Liability Company;
JIMMY B. PERSELS, a Maryland Attorney;
NEIL J. RUTHER, a Maryland Attorney; DR
OPTIONS LLC d/b/a DEBT RELIEF
OPTIONS LLC, a Texas Limited Liability
Company; EFA PROCESSING L.P., a Texas
Limited Partnership; and JOHN AND JANE
DOES 1-20,

Defendants.

NO.

11201577-1

CLASS ACTION

CLASS ACTION COMPLAINT

I. INTRODUCTION

1.1 Defendants have designed and implemented a uniform scheme to evade the fee restrictions and other consumer protections imposed by the Washington Debt Adjusting Act, chapter 18.28 RCW ("DAA") and Washington Consumer Protection Act, chapter 19.86 RCW ("CPA"). In doing so, Defendants have enriched themselves at the expense of financially

CLASS ACTION COMPLAINT: I

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EXHIBIT

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1
2 strapped Washington families by violating Washington statutes designed to protect consumers
3 from wrongful debt adjusting business practices.

4 1.2 As part of their scheme, Defendants solicit consumers to enter into contracts
5 with a Maryland law firm, Defendant Consumer Law Associates LLC, for debt adjusting
6 services. Those debt adjusting services, however, are not performed by the law firm or its
7 attorneys; rather, the debt adjusting services are performed by employees of Defendant EFA
8 Processing LP, a for-profit debt adjusting company.

9 1.3 Defendants have consumers enter into contracts with Consumer Law Associates
10 LLC in an attempt to utilize a limited exemption to the fee restrictions imposed by the DAA.
11 That exemption, RCW 18.28.010(2)(a), provides that those fee restrictions do not apply to
12 "[a]ttorneys-at-law . . . while performing services solely incidental to the practice of their
13 professions."

14 1.4 Because the primary purpose of the contracts that Defendant Consumer Law
15 Associates LLC enters into with consumers is to manage, counsel, settle, adjust, prorate or
16 liquidate the indebtedness of those consumers and to receive funds for the purpose of
17 distributing said funds among the creditors of those consumers, Consumer Law Associates
18 LLC does not fall within the limited exemption to the DAA's fee restrictions. Likewise,
19 because the employees of Defendant EFA Processing LP are not attorneys-at-law, Defendant
20 EFA Processing LP does not fall within the limited exemption to the DAA's fee restrictions.

21 1.5 On information and belief, Defendants have charged and collected millions of
22 dollars from thousands of Washington consumers in excessive and illegal fees over the last four
23 years.

24 1.6 Named Plaintiff Kenneth Brown brings this action on behalf of himself and a
25 Class of similarly situated Washington residents for purposes of securing Class member

CLASS ACTION COMPLAINT: 2

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EXHIBIT

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remedies provided for in chapter 18.28 RCW and chapter 19.86 RCW and for purposes of enjoining Defendants from engaging in unfair and deceptive business practices.

II. PARTIES

2.1 **Plaintiff Kenneth Brown:** Plaintiff Kenneth Brown is domiciled in the state of Washington and a resident of Spokane County. Kenneth Brown is typical of many Washington consumers and families who are struggling financially and who engaged Defendants' debt adjusting services.

2.2 **Defendant Consumer Law Associates LLC:** Defendant Consumer Law Associates LLC ("CLA") is a for-profit company headquartered in and organized under the laws of Maryland. CLA is registered to do business and does conduct business in Washington State. CLA and its member attorneys, including Jimmy Persels and Neil J. Ruther, however, are not licensed to practice law in Washington. CLA represents to consumers that it is a national law firm that practices in all 50 states and that it specializes in helping consumers get out of debt. With respect to the debt adjusting activities alleged in this Complaint, CLA does business throughout the United States, including the state of Washington.

2.3 **Defendant Jimmy B. Persels:** Defendant Jimmy B. Persels ("Persels") is an attorney who resides in and is licensed to practice in the state of Maryland. Persels is not licensed to practice law in the state of Washington. Persels is a managing member of CLA. At all times material to allegations made in this Complaint, Persels directed the business affairs of CLA and established, directed, and/or ratified the unlawful business practices alleged in this Complaint.

2.4 **Defendant Neil J. Ruther:** Defendant Neil J. Ruther ("Ruther") is an attorney who resides in and is licensed to practice in the state of Maryland. Ruther is not licensed to practice law in the state of Washington. Ruther is a managing member of CLA. At all times

CLASS ACTION COMPLAINT: 3

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EXHIBIT A

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1
2 material to allegations made in this Complaint, Ruther directed the business affairs of CLA and
3 established, directed, and/or ratified the unlawful business practices alleged in this Complaint.

4 **2.5 Defendant DR Options LLC:** Defendant DR Options I.L.C, d/b/a Debt Relief
5 Options LLC ("DRO") is a for-profit company headquartered in and organized under the laws
6 of Texas. DRO is located at 7668 Warren Parkway, Suite 325, Frisco, Texas 75034. DRO does
7 business throughout the United States, including in the state of Washington.

8 **2.6 Defendant EFA Processing L.P.:** Defendant EFA Processing L.P. ("EFA") is
9 a limited partnership formed in Texas and located at 7668 Warren Parkway, Suite 325, Frisco,
10 Texas 75034. EFA does business throughout the United States, including in the state of
11 Washington.

12 **2.7 Unnamed Defendants, John and Jane Does 1 through 20:** Defendants John
13 and Jane Does 1 through 20 are additional persons, corporations, partnerships, companies or
14 other entities who have acted or are continuing to act in concert with, in partnership with, or as
15 agents of named Defendants, who have participated in the acts and transactions alleged in this
16 Complaint and who have responsibility for said acts and transactions. The true names,
17 identities, and capacities of Does 1 through 20 are presently unknown to Plaintiff, but are the
18 subject of discovery anticipated in this action.

19 **III. JURISDICTION AND VENUE**

20 **3.1** This Court has subject matter jurisdiction over this action, because it is based
21 upon violations of Washington's DAA and CPA statutes.

22 **3.2** This Court has personal jurisdiction over each Defendant. Defendants have
23 engaged in conduct in violation of chapter 19.86 RCW, which conduct has had an impact in
24 Washington, giving rise to personal jurisdiction pursuant to RCW 19.86.160. Defendants also
25 regularly conduct business in Washington State by, among other things, soliciting Washington

CLASS ACTION COMPLAINT: 4

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1
2 consumers, entering into contracts with Washington consumers, providing debt adjusting
3 services to Washington consumers, and receiving fees from Washington consumers.
4 Defendants have obtained the benefits of the laws of Washington as well as Washington's
5 consumer market.

6 3.3 Venue is proper in Spokane County in that the events that gave rise to claims
7 occurred in substantial part in Spokane County and Defendants transact business in Spokane
8 County.

9 IV. FACTS

10 4.1 A large number of working Washington families are struggling to pay their
11 credit card debts because of economic forces largely beyond their control.

12 4.2 Such families are vulnerable to predatory businesses that entice consumers with
13 the prospect of settling such debt for pennies on the dollar.

14 A. Washington's Debt Adjusting Statute.

15 4.3 Due to unfair and deceptive practice endemic to the "debt relief" industry, many
16 states, including Washington, have adopted statutes designed to protect consumers from unfair
17 and deceptive debt adjusting practices.

18 4.4 The Washington DAA, chapter 18.28 RCW, protects Washington citizens from
19 predatory, unfair and deceptive business activities, including predatory fee practices, by
20 businesses that purport to provide debt adjusting services to Washington residents.

21 4.5 RCW 18.28.080(1) provides that a debt adjuster may not charge a consumer an
22 initial fee exceeding \$25, thus ensuring that indebted consumers are not burdened with
23 substantial debt adjuster fees until such time as debt adjusting services are actually and
24 successfully performed.

25 CLASS ACTION COMPLAINT: 5

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2 4.6 RCW 18.28.080(1) prohibits debt adjusters from charging excessive fees by
3 providing that the total fee may not exceed 15 percent of the debt listed by the debtor on the
4 contract.

5 4.7 To protect financially vulnerable Washington citizens from the practice of
6 "front-loading" debt adjuster fees, RCW 18.28.080(1) provides that the fee retained by the debt
7 adjuster from any one payment made by or on behalf of a debtor to a creditor may not exceed
8 15 percent of that payment.

9 4.8 To ensure that funds received from Washington debtors are actually used to pay
10 debts in a timely manner, RCW 18.28.110(4) provides that debt adjusters must distribute to
11 creditors at least 85 percent of any funds received from the debtor and must do so within forty
12 days of receiving those funds.

13 4.9 Washington's intolerance of predatory fee practices by debt adjusters is made
14 plain in RCW 18.28.090: "If a debt adjuster contracts for, receives or makes any charge in
15 excess of the maximums permitted by this chapter, except as the result of an accidental and
16 bona fide error, the debt adjuster's contract with the debtor shall be void and the debt adjuster
17 shall return to the debtor the amount of all payments received from the debtor or on the
18 debtor's behalf and not distributed to creditors."

19 4.10 Washington's strong public policy of protecting Washington consumers from
20 debt adjusters' illegal activities is also reflected in RCW 18.28.185, which declares that any
21 violation of chapter 18.28 RCW constitutes an unfair or deceptive business practice under
22 chapter 19.86 RCW. Further, RCW 18.28.190 provides that any person who violates any
23 provision of chapter 18.28 RCW, or aids or abets such violation, is guilty of a misdemeanor
24 crime.
25

CLASS ACTION COMPLAINT: 6

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B. Defendants' Scheme to Evade the DAA and CPA.

4.11 Defendants are engaged in a coordinated business scheme and common business enterprise directed at evading consumer protections afforded by chapter 18.28 RCW and chapter 19.86 RCW. Defendants aided and abetted one another in carrying out the wrongful activities alleged in this Complaint.

i. DRO Solicits Consumers to Participate In Defendants' Debt Settlement Program.

4.12 Defendant DRO acts as the "front-end" solicitor or "lead generator" for Defendants' debt adjusting services.

4.13 DRO holds itself out to consumers as a business offering debt adjusting services to consumers burdened with credit card debt. DRO advertises through the Internet, mass media, telephone solicitations, email and other channels under its own name and the names of CLA, Persels and Ruther.

4.14 While soliciting Plaintiff Kenneth Brown, a Washington consumer, DRO sent an email to Mr. Brown with the subject line: "Kenneth, research our name." In the email, DRO wrote, "You can tell quite a bit about us by doing a Google search of Neil J. Ruther, Esq, one of the firm's founders."

ii. CLA, Persels and Ruther Lend Their Names and Positions As Lawyers to Defendants' Scheme and Serve as the Contracting Party for Defendants' Scheme.

4.15 In an effort to evade state consumer protections otherwise governing Defendants' business activities as debt adjusting companies, and by agreement among Defendants, CLA, Persels and Ruther lend their names and positions as attorneys to Defendants' debt adjusting enterprise.

CLASS ACTION COMPLAINT: 7

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EXHIBIT A

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2 4.16 CLA and its member and employee attorneys, including Persels and Ruther, are
3 not licensed to practice law in Washington.

4 4.17 To make it appear as though the debt adjusting services being offered to
5 consumers are performed by a law firm and to evade the fee restrictions of the DAA, CLA's
6 members serve as the contracting party for Defendants' debt adjusting enterprise.

7 4.18 Plaintiff Brown is a Washington consumer who signed a contract with CLA
8 after being solicited by DRO.

9 4.19 The contract that Plaintiff Brown entered into was signed by Persels.

10 **iii. EFA Actually Performs the Debt Adjusting Services Provided**
11 **for in Defendants' Contracts with Washington Consumers.**

12 4.20 EFA is a large, multi-million dollar, for-profit debt adjusting company that
13 engages in debt adjusting activities throughout the United States without the supervision,
14 control, or meaningful involvement of CLA.

15 4.21 EFA performs debt adjusting services for more than 30,000 consumers on behalf
16 of multiple companies that hold themselves out to the public as engaged in debt adjusting.

17 4.22 The debt adjusting services that Plaintiff and Class members contracted for with
18 CLA, including the services provided to Plaintiff and Class members, were not and are not
19 performed by CLA, Persels, Ruther or any attorneys licensed to practice law in Washington.

20 4.23 Based on information and belief, the debt adjusting services that Plaintiff and
21 Class members contracted for with CLA are, in fact, performed by EFA.

22 4.24 EFA's former general counsel testified to the Federal Trade Commission: "Our
23 role, our company's role, like other BPOs or business process outsourcers, is to provide service
24 to companies in the debt settlement industry Our company focuses on direct consumer
25 service Companies like mine, who are direct consumer servicing BPOs, are retained by

CLASS ACTION COMPLAINT: 8

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EXHIBIT A

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2 [independent debt settlement agencies] to service their customers directly [O]ur
3 representatives provide the service directly to those consumers setting up their accounts;
4 collecting their information; answering questions they have; certainly negotiating directly with
5 the creditors, which is a huge part of what we do; providing them with education about debt
6 and debt settlement where needed; and helping them to structure a plan for addressing their
7 credit obligations which, of course, are often extensive."

8 4.25 In furtherance of Defendants' scheme, EFA prepares and mail letters to
9 consumers and creditors identifying itself and its employees as assistants or employees of CLA.
10 Based on an agreement among Defendants, all correspondence and customer interactions by
11 EFA are "private labeled" to CLA's "brand."

12 4.26 Included in the documentation that Defendants send to consumers is a
13 "Welcome Package" and a "Client Retainer Package." Both packages are identified as being
14 from CLA.

15 4.27 Throughout the Welcome Package, CLA's phone number is identified as 1-888-
16 510-1892. This phone number is, in fact, the phone number of EFA.

17 4.28 In the Client Retainer Package, CLA's phone number is identified as 972-233-
18 3135. This phone number is, in fact, the phone number of EFA.

19 4.29 In the Client Retainer Package and Welcome Package, CLA's fax number is
20 identified as 1-866-314-1610. This fax number is, in fact, the fax number of EFA.

21 4.30 In the Client Retainer Package and Welcome Package, CLA's address is
22 identified as 7668 Warren Pkwy., Ste. 325, Frisco, TX 75034. This address is actually the
23 address of EFA. Washington consumers, including Plaintiff and Class members, are instructed
24 to send all correspondence, including the "completed CLA Client Retainer Package" to this
25 address.

CLASS ACTION COMPLAINT: 9

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2 4.31 Though identified as coming from CLA, the Welcome Package has a footer that
3 states: "All rights reserved by EFA Processing, L.P. – Copyright 2007 – 2008."

4 4.32 Standardized letters to consumers and creditors instruct them to call a phone
5 number associated with EFA when communicating about services purportedly being performed
6 by CLA. When talking to consumers, EFA's employees claim they are assistants of CLA
7 attorneys or of local attorneys who are not members of CLA.

8 4.33 EFA designs and is responsible for the actual "back-office" systems involved in
9 managing tens of thousands of consumers who participate in Defendants' debt adjusting
10 program, including Plaintiff and Class members.

11 4.34 EFA is engaged in the business of contacting creditors and attempting to
12 negotiate the settlement of consumer debts. EFA does so with respect to the debt adjusting
13 services that Plaintiff and Class members contracted for with CLA.

14 4.35 On information and belief, Defendants split or share fees charged to Plaintiff
15 and Class members on a 60/40 basis, with DRO and EFA receiving 60 percent of the fees and
16 CLA, Persels and Ruther receiving 40 percent of the fees.

17 **iv. Defendants Are Primarily Engaged In Debt Adjusting.**

18 4.36 The primary purpose of Defendants' concerted business activities is debt
19 adjusting. The standardized contract (the "Contract") that CLA has entered into with
20 consumers, including Plaintiff and Class members, provides: "We will work on your behalf to
21 negotiate settlements with your creditors that are within your means You have retained us
22 to help you resolve your unsecured debt."

23 4.37 The Contract provides that Defendants "will not represent you in litigation."
24 Furthermore, the Contract provides that consumers will need to pay additional fees for services
25

CLASS ACTION COMPLAINT: 10

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unrelated to debt adjusting, such as phone consultations with attorneys or preparation of documents in response to creditor suits.

4.38 The Contract provides that "CLA is not being retained on an hourly basis, and . . . this means that CLA will not place any portion of the [fee] retainer in a trust account and will use said retainer at its sole discretion." The Contract also provides that "all fees are nonrefundable . . . since CLA is not being retained on an hourly basis and thus will not be recording or reporting the amount of . . . billable time to Client."

4.39 The Contract provides that "Client agrees to pay an Early Plan Termination Fee of \$199.00 if Client terminates this agreement before the end of the plan term." The Contract also provides that "[f]ees paid by Client under this agreement are deemed earned when paid."

4.40 The Client Retainer Package identifies CLA as "a law firm which assists consumers with a method of debt resolution known as debt settlement."

4.41 The Client Retainer Package provides: "You are asking us to begin negotiating settlements with your creditors."

4.42 The debt adjusting work contracted for with Defendants is performed by non-attorneys.

4.43 The Welcome Package provides that consumers will need to pay additional fees to receive legal advice.

4.44 The Client Retainer Package provides that Defendants "will not represent" consumers in "litigation."

v. Defendants Have Charged Illegal and Excessive Fees in Violation of Washington Law.

4.45 Defendants solicited the participation of Plaintiff and Class members in Defendants' debt adjusting programs using standardized solicitation materials directed into

CLASS ACTION COMPLAINT: 11

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2 Washington. Those materials included a standardized debt adjusting agreement that identified
3 CLA as the contracting party.

4 4.46 Class members, including the named Plaintiff, engaged Defendants' debt
5 adjusting services by signing and returning Defendants' standardized debt adjusting agreement,
6 by making periodic debt settlement payments pursuant to that agreement, and by paying fees
7 specified in that agreement.

8 4.47 Defendants' standardized debt adjusting agreement with each Class member,
9 including Plaintiff Brown, provided for an initial fee that exceeded \$25 and a total fee that
10 exceeded 15 percent of the total debt listed on the contract, in violation of RCW 18.28.080.

11 4.48 Defendants' standardized debt adjusting agreement with each Class member,
12 including the named Plaintiff, provided for fees exceeding 15 percent of any one payment made
13 by the Class member, in violation of RCW 18.28.080.

14 4.49 Defendants charged Plaintiff Brown "an initial Consultation Fee" of \$199.00.
15 Additionally, Defendants charged Plaintiff "a Retainer Fee" of \$6,115.03. The Retainer Fee
16 was split into 12 up-front monthly payments of \$509.59 per month. Additionally, Defendants
17 charged Plaintiff "a monthly service fee" of \$85.00 per month for each month of enrollment.

18 4.50 Defendants debited \$1,011.00 from Plaintiff Brown's account each month.
19 During the first month, Defendants charged and received at least 78.5 percent of the debited
20 funds as their fees. Each month thereafter, Defendants charged and received at least 58.8
21 percent of the debited funds as their fees.

22 4.51 While Plaintiff Brown was enrolled in Defendants' unlawful program,
23 Defendants collected a total of \$14,463.00 from him. On information and belief, none of these
24 funds were used to settle Plaintiff Brown's outstanding debts. Rather, with the exception of a
25 refund of \$486.74, all of the funds were retained by Defendants.

CLASS ACTION COMPLAINT: 12

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
1200 W. SPRING AVE. SUITE 100
SPokane, WA 99201-0800
1(509) 455-1900

EXHIBIT A

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1
2 4.52 At all times material to this Complaint, Defendants were engaged in a common
3 and concerted business enterprise, such that each is the principal and agent of the other and
4 such that each is jointly and severally liable for the misconduct of the other.

5 4.53 Defendants' business relationships are designed to evade the fee restrictions and
6 other protective provisions of Washington's DAA and CPA and similar statutes in sister states.

7 4.54 Defendants knew or should have known that their conduct violates Washington
8 laws designed to protect Washington consumers. Defendants substantially assisted one another
9 in carrying out such violations. Each Defendant established, controlled, managed, participated
10 in or with knowledge ratified the wrongful business acts and practices of the other Defendants.

11 4.55 Defendants' standardized debt adjusting agreement with each Class member,
12 including Plaintiff Brown, is void *ab initio*, illegal, and otherwise unenforceable pursuant to
13 RCW 18.28.090.

14 **C. The Wrongdoings of CLA, Persels and Ruther as Attorneys.**

15 4.56 In furtherance of their scheme, CLA, Persels and Ruther split the fees collected
16 from consumers, including Plaintiff and Class members, with non-lawyer Defendants DRO and
17 EFA.

18 4.57 Defendants did not disclose the fee splitting or the details of the fee splitting to
19 Plaintiff or Class members.

20 4.58 CLA, Persels and Ruther partnered with non-lawyer Defendants DRO and EFA
21 for the purpose of carrying out the business scheme detailed in this Complaint.

22 4.59 CLA, Persels and Ruther failed to disclose to consumers, including Plaintiff and
23 Class members, that Defendant EFA is an independent debt adjusting company.
24
25

CLASS ACTION COMPLAINT: 13

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
220 W. SPRING AVE. SUITE 100
SPokane, WA 99201-4246
(509) 455-1966

1
2 4.60 CLA, Persels and Ruther failed to disclose to consumers, including Plaintiff and
3 Class members, that the debt adjusting services purportedly being performed by CLA were
4 actually being performed by EFA.

5 4.61 CLA, Persels and Ruther failed to disclose to consumers, including Plaintiff or
6 Class members, that it is illegal under Washington law for businesses engaged in debt adjusting
7 to charge an initial fee exceeding \$25, to take in fees amounting to more than 15 percent of any
8 one payment, or to charge total fees exceeding 15 percent of the consumer's original total debt.

9 4.62 CLA, Persels and Ruther put their own financial interest ahead of the best
10 interests of consumers, including Plaintiff and Class members, by engaging in Defendants'
11 unlawful debt adjusting enterprise.

12 4.63 CLA, Persels and Ruther failed to disclose to consumers, including Plaintiff and
13 Class members, that they split fees collected from those consumers with attorneys who are not
14 members of CLA.

15 4.64 Persels and Ruther and the other members of Defendant CLA are not licensed to
16 practice law in Washington.

17 4.65 The debt adjusting activities that Defendants offer and perform do not constitute
18 the practice of law and are not offered or performed in a manner solely incidental to the
19 practice of law.

20 4.66 In carrying out their unlawful debt adjusting scheme, CLA, Persels and Ruther
21 failed to handle the funds of consumers, including the funds of Plaintiff and Class members, in
22 accordance with the Washington Rules of Professional Conduct.

23 4.67 In carrying out their unlawful debt adjusting scheme, CLA, Persels and Ruther
24 failed to hold the funds of consumers, including the funds of Plaintiff and Class members, in an
25

CLASS ACTION COMPLAINT: 14

LAW OFFICES
THE SCOTT LAW GROUP
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920 W. SPOKANE AVENUE, SUITE 1000
SPokane, WA 99201-4500
(509) 455-1966

EXHIBIT A

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1
2 interest bearing account for which the interest runs to either the consumers or the Legal
3 Foundation of Washington.

4 **V. LEGAL CLAIMS**

5 **A. Violation of Washington's Consumer Protection Act.**

6 5.1 Plaintiff and the Class reallege and incorporate the facts set forth herein as if set
7 forth in their entirety.

8 5.2 Defendants are debt adjusters within the meaning of RCW 18.28.010(2), and
9 with respect to conduct alleged in this Complaint, because they are engaged in or hold
10 themselves out as engaging in the business of debt adjusting for compensation.

11 5.3 Defendants' business practices—including but not limited to contracting for,
12 charging and receiving of excessive fees, engaging in unfair business schemes, failing to
13 disclose material facts, aiding and abetting unlawful conduct, and breaching fiduciary duties—
14 constitute unfair and deceptive acts or practices committed in trade or commerce directed at
15 Washington consumers, including Plaintiff and members of the Class.

16 5.4 Defendants' unfair and deceptive acts and practices impact the public interest.
17 CLA, Persels and Ruther have entered into debt adjusting contracts with thousands of
18 consumers in Washington. EFA provides debt adjusting services to more than 30,000
19 consumers nationwide. DRO boasts that it handles 35,000 consumer accounts each year. On
20 information and belief, Defendants have charged and collected millions of dollars in excessive
21 and illegal fees from thousands of Washington consumers.

22 5.5 Defendants' conduct proximately caused injury or harm to Plaintiff Brown and
23 members of the Class in their business or property.

24 5.6 Plaintiff and Class members are entitled to judgment against Defendants, jointly
25 and severally, for harm suffered, including but not limited to reimbursement of all sums paid

CLASS ACTION COMPLAINT: 15

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SPokane, WA 99201-0466
(509) 455-7000

for debt adjusting services less any amounts paid to scheduled creditors, plus pre-judgment interest, treble damages, attorney fees, and costs of litigation.

B. Common Law Concert of Action.

5.7 Plaintiff and the Class reallege and incorporate the facts set forth herein as if set forth in their entirety.

5.8 Defendants knew that each other's conduct constituted a breach of their duties to Plaintiff and Class members.

5.9 Defendants gave substantial assistance and/or encouragement to each other in breaching their duties.

5.10 Defendants' conduct was a proximate cause of the harm suffered by Plaintiff and Class members.

C. Breach of Fiduciary Duties.

5.11 Plaintiff and the Class reallege and incorporate the facts set forth herein as if set forth in their entirety.

5.12 CLA, Persels and Ruther breached their fiduciary duties of the highest degree of good faith, diligence and utmost undivided loyalty to their clients, including Plaintiff and Class members.

5.13 Defendants' breach was a proximate cause of losses sustained by Plaintiff and Class members.

D. Injunctive Relief.

5.14 Defendants' wrongdoing is continuing in nature and represents an ongoing threat to Class members.

5.15 Class members remain generally unaware that Defendants' debt adjusting program is illegal.

CLASS ACTION COMPLAINT: 16

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
2200 W. SPRING AVE., SUITE 200
SPokane, WA 99201-1800
(509) 483-1900

EXHIBIT

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1
2 5.16 Defendants, on a continuing basis, are engaged in securing illegal fees from
3 Class members. Class members remain unaware that the fees being paid are illegal and not
4 owed.

5 5.17 Absent the issuance of injunctive and equitable relief, Class members will suffer
6 continuing, immediate and irreparable injury.

7 5.18 Class members have no complete, speedy and adequate remedy at law with
8 respect to Defendants' continuing misconduct.

9 5.19 Preliminary and final injunctive relief is necessary to prevent further injury to
10 Class members.

11 **E. Class Certification.**

12 5.20 Pursuant to Washington Civil Rule 23, Plaintiff brings this case as a class action
13 on behalf of a Class defined as follows:

14 All residents of Washington who entered into an agreement with
15 Consumer Law Associates LLC for debt adjusting services that
16 were implemented, managed or performed by EFA Processing
L.P. during the period from April 18, 2007 through the date of
final disposition of this action.

17 5.21 Excluded from the Class are Defendants, any entity in which Defendants have a
18 controlling interest or which has a controlling interest in Defendants, and Defendants
19 employees, legal representatives, assignees and successors. Also excluded are the judge to
20 whom this case is assigned and any member of the judge's immediate family.

21 5.22 Members of the proposed Class are so numerous that joinder is impracticable.
22 Defendants DRO and EFA claim to manage and service tens of thousands of consumer debt
23 settlement accounts. On information and belief, CLA, Persels and Ruther have contracted with
24 thousands of Washington consumers to provide debt adjusting services.
25

CLASS ACTION COMPLAINT: 17

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A PROFESSIONAL SERVICE CORPORATION
2400 W. SIKKAMAN AVENUE, SUITE 1000
SPokane, WA 99201-1114
(509) 455-1160

1
2 5.23 There are questions of law and fact common to the Class, including but not
3 limited to those delineated in paragraph 5.27 below.

4 5.24 The claims and defenses of Plaintiff Brown are typical of the claims and
5 defenses of the proposed Class.

6 5.25 Plaintiff Brown is a member of the proposed Class and will fairly and
7 adequately protect the interests of the proposed Class.

8 5.26 Defendants have acted or refused to act on grounds generally applicable to the
9 Class, making final injunctive relief appropriate respecting the Class as a whole and rendering
10 certification appropriate under CR 23(b)(2).

11 5.27 Furthermore, common questions of law and fact central to claims of the Class
12 predominate over individual questions, rendering certification appropriate under CR 23(b)(3).
13 Core common questions of law and fact include:

14 a. Whether Defendants are debt adjusters or otherwise engaged in debt
15 adjusting within the meaning of chapter 18.28 RCW;

16 b. Whether the debt adjusting services performed by Defendants were
17 performed by "attorneys-at-law" within the meaning of RCW 18.28.010(2)(a);

18 c. Whether the debt adjusting services performed by Defendants were
19 performed in a manner solely incidental to the practice of their profession;

20 d. Whether Defendants' debt adjusting agreements with Class members are
21 void *ab initio*;

22 e. Whether Defendants engaged in a common course of illegal conduct
23 toward the Class by charging an initial fee of more than \$25;

24 f. Whether Defendants engaged in a common course of illegal conduct
25 toward the Class by charging fees in excess of 15 percent of any one payment;

CLASS ACTION COMPLAINT: 18

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
220 W. BROADWAY, SUITE 2000
SPRINGFIELD, MA 01104-1000
(508) 454-3300

EXHIBIT A

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1
2 g. Whether Defendants engaged in a common course of illegal conduct
3 toward the Class by charging fees in excess of 15 percent of total listed debt;

4 h. Whether individual Defendants established, controlled, managed,
5 participated in, or with knowledge ratified the wrongful business practices of other
6 Defendants;

7 i. Whether Defendants committed the unauthorized practice of law in
8 Washington;

9 j. Whether CLA, Persels and Ruther breached their fiduciary duties to
10 Plaintiff and Class members by:

11 i. Illegally splitting fees with non-lawyers;

12 ii. Failing to disclose Defendants' fee splitting or the details of the
13 fee splitting to Plaintiff and Class members;

14 iii. Forming partnerships with non-lawyer debt adjuster corporations;

15 iv. Failing to disclose the partnerships with non-lawyer debt adjuster
16 companies to Plaintiff and Class members;

17 v. Failing to disclose that Defendants DRO and EFA are
18 independent debt adjuster companies that are prohibited by
19 Washington law from charging the fees provided for in
20 Defendants' standard contract; and,

21 k. Whether preliminary or final injunctive relief is appropriate to protect
22 Washington consumers from the ongoing illicit business activities of Defendants.

23 5.28 Plaintiff and Class members have suffered and will continue to suffer harm and
24 damages as a result of Defendants' unlawful and wrongful conduct. Absent a class action,
25 however, Class members would likely find the cost of litigating their claims prohibitive. Class

CLASS ACTION COMPLAINT: 19

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
720 W. SPRAGUE AVENUE, SUITE 100
SEACAM, WA 98201-4506
(509) 455-1000

members are financially distressed individuals who are unlikely to have any meaningful recourse against Defendants absent collective pursuit of their claims under CR 23. Class treatment is superior to multiple individual suits or piecemeal litigation because it conserves judicial resources, promotes consistency and efficiency of adjudication, provides a forum for small claimants, and deters illegal activities. Plaintiff and his counsel are unaware of any litigation that has already been commenced under Washington law concerning Defendants' illegal conduct. Litigation of claims should occur in this Court as all claims are brought under Washington law. There will be no significant difficulty in the management of this case as a class action. The Class members are readily identifiable from Defendants' records.

VI. DEMAND FOR RELIEF

THEREFORE, Plaintiff, individually and as representative of the proposed Class, prays for relief as follows:

1. An order certifying Class members' claims pursuant to CR 23(b)(3) and/or 23(b)(2), appointing Plaintiff Brown as representative of the proposed Class, or such other Class as the court may deem appropriate, and appointing undersigned counsel as Class counsel;

2. A final order declaring Defendants' debt adjusting agreements with Class members void *ab initio*;

3. A final order and/or judgment against Defendants, jointly and severally, that Class members are entitled to an amount equaling all payments made, less those amounts distributed to creditors;

4. An award of exemplary damages, jointly and severally, in the amount of three times the value of each payment made by a Class member and not distributed to creditors;

5. A final injunction prohibiting Defendants from engaging in further business violative of chapter 18.28 RCW or chapter 19.86 RCW;

CLASS ACTION COMPLAINT: 20

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE, SUITE 100
SPOKANE, WA 99201-0460
(509) 455-3460

6. An award of prejudgment interest;
7. An award of costs of litigation;
8. An award of attorney fees pursuant to chapter 19.86 RCW, or, in the alternative, disgorgement of all fees taken by Defendants from Plaintiff and Class members and an award of attorneys' fees, based on Defendants' breach of fiduciary duties; and
9. Such other and further relief as the Court deems just or equitable.

DATED this 30 day of April, 2011.

THE SCOTT LAW GROUP, P.S.

By: 

DARRELL W. SCOTT, WSBA #20241
MATTHEW J. ZUCHETTO, WSBA #33404
926 W. Sprague Avenue, Suite 680
Spokane, Washington 99201
Telephone: (509) 455-3966

-and-

BETH E. TERRELL, WSBA #26759
TOBY J. MARSHALL, WSBA #32726
JENNIFER RUST MURRAY, WSBA #36983
TERRELL MARSHALL DAUDT & WILLIE PLLC
936 North 34th Street, Suite 400
Seattle, Washington 98103
Telephone: (206) 816-6603

Attorneys for Plaintiff

CLASS ACTION COMPLAINT: 21

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A PROFESSIONAL SERVICE CORPORATION
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SPOKANE, WA 99201-1466
(509) 455-3966

EXHIBIT A

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Washington - Spokane County Superior Court
11-2-01577-1

Information on Spokane County Superior Court Case #: 11-2-01577-1
Search Title: 0078281-00001: 11-2-01577-1 - WA Superior
Case Type: Civil

Performed on: Mon May 16 2011 9:13:10 PST
Client/Matter Number: 0078281-00001
Case #: 11-2-01577-1

Summary Names Docket Attorneys Documents Order Documents

SUMMARY Information

Title: BROWN, KENNETH R VS CONSUMER LAW ASSOCIATES LLC ETAL
Judgment: NO
Filed: 04/18/2011
Cause of Action: TORT-OTHER
Resolution:
Completion:
Case Status: 04 18 2011 - ACTIVE
Consolidated cases:
Note #1:
Note #2:
Off-line Date:

Judge Id: 99
Additional Info:

Resolution Date:
Completion Date :

Restore Date: N

NAMES Information

* - Total participants 10 . Click on the BAR number (or SCOMIS ID) for more detail.

Name:	BROWN, KENNETH R
Relation to Case:	Plaintiff (PLA01)
Name:	CONSUMER LAW ASSOCIATES LLC
Relation to Case:	Defendant (DEF01)
Name:	PERSELS, JIMMY B
Relation to Case:	Defendant (DEF02)
Name:	RUTHER, NEIL J
Relation to Case:	Defendant (DEF03)
Name:	DR OPTIONS LLC
Relation to Case:	Defendant (DEF04)
Name:	DEBT RELIEF OPTIONS LLC
Relation to Case:	Doing Business As (DBA)
Name:	EFA PROCESSING LP
Relation to Case:	Defendant (DEF05)
Name:	SCOTT, DARRELL W.
Relation to Case:	Attorney for Plaintiff (ATP01)
Represented Parties:	BROWN, KENNETH R (PLA01)
Bar#:	20241 Washington State BAR Association number
Name:	ZUCHETTO, MATTHEW JOHN
Relation to Case:	Attorney for Plaintiff (ATP02)
Represented Parties:	BROWN, KENNETH R (PLA01)
Bar#:	33404 Washington State BAR Association number
Name:	PHILLIPS, STEVAN DAVID
Relation to Case:	Attorney for Defendant (ATD01)
Litigants:	D1,2,3
Represented Parties:	PERSELS, JIMMY B (DEF02) ; CONSUMER LAW ASSOCIATES LLC (DEF01) ; RUTHER, NEIL J (DEF03)
Bar#:	2257 Washington State BAR Association number

EXHIBIT

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DOCKET Information

Item Number	Date	Court Code	Description/Name	Secondary Information
1	04 18 2011	SMCMP	SUMMONS & COMPLAINT	
2	04 18 2011	NTAS	NOTICE OF ASSIGNMENT JDG SYPOLT	
		JDG11	JUDGE MARYANN C. MORENO	
3	05 05 2011	AF	AFFIDAVIT OF SERVICE 04-25-2011	
		DEF04	DR OPTIONS LLC	
4	05 05 2011	AF	AFFIDAVIT OF SERVICE 04-25-2011	
		DEF05	EFA PROCESSING LP	
5	05 11 2011	NTAPR	NOTICE OF APPEARANCE	
		ATD01	PHILLIPS, STEVAN DAVID	
6	05 11 2011	CP	COPY OF NOTICE OF APPEARANCE	
7	05 12 2011	AF	AFFIDAVIT OF SERVICE 04-27-2011	
		DEF01	CONSUMER LAW ASSOCIATES LLC	

ATTORNEY Information

Name: Darrell W. Scott
926 W Sprague Ave Ste 680
Spokane, WA 99201-5076

Relation:

Bar number: 20241

Phone: (509)455-3966

Last Reported:

Status: Active

Email: scottgroup@mac.com

Fax Number: (509)455-3906

Data source: Washington State BAR Association

Name: Matthew John Zuchetto
926 W Sprague Ave Ste 680
Spokane, WA 99201-5076

Relation:

Bar number: 33404

Phone: (509)455-3966

Last Reported:

Status: Active

Email: matthewzuchetto@mac.com

Data source: Washington State BAR Association

Name: Stevan David Phillips
600 University St Ste 3600
Seattle, WA 98101-3197

Relation:

Bar number: 2257

Phone: (206) 624-0900

Last Reported:

Status: Active

Data source: Washington State BAR Association

DOCUMENTS Information

Documents for this case are not available online.

ORDER Documents (☐ Show this section)

NOTE: "The Washington State Administrative Office of the Courts and the Washington State courts do not warrant that the information is accurate or correct and deny liability for any damages resulting from the release or use of the data. In order to assure or verify the accuracy of the information or data received, the customer should personally consult the "official" record reposing at the court of record.

EXHIBIT A
PAGE 31 of 51

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EXHIBIT A
PAGE 32 of 51

FILED

APR 18 2011

THOMAS R. FALLOQUIST
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

KENNETH R. BROWN, individually and on
behalf of a Class of similarly situated
Washington residents,

Plaintiff,

v.

CONSUMER LAW ASSOCIATES LLC, a
Maryland Limited Liability Company;
JIMMY B. PERSELS, a Maryland Attorney;
NEIL J. RUTHER, a Maryland Attorney; DR
OPTIONS LLC d/b/a DEBT RELIEF
OPTIONS LLC, a Texas Limited Liability
Company; EFA PROCESSING L.P., a Texas
Limited Partnership; and JOHN AND JANE
DOES 1-20,

Defendants.

NO. 11201577-1

CLASS ACTION

SUMMONS

TO DEFENDANT EFA PROCESSING L.P., a Texas Limited Partnership:

A lawsuit has been started against you in the above-entitled Court by Kenneth R. Brown, individually and on behalf of a Class of similarly situated Washington residents, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

SUMMONS: 1

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W SPRAGUE AVENUE, SUITE 600
SPOKANE, WA 99201-0466
(509) 455-3966

EXHIBIT

PAGE 33 of 51

1
2 In order to defend against this lawsuit, you must respond to the Complaint by stating
3 your defense in writing, and by serving a copy upon the person signing this Summons, within
4 sixty (60) days after the service of this Summons, excluding the day of service, or a default
5 judgment may be entered against you without notice. A default judgment is one where Plaintiff
6 is entitled to what he asks for because you have not responded. If you serve a Notice of
7 Appearance on the undersigned person, you are entitled to notice before a default judgment
8 may be entered.

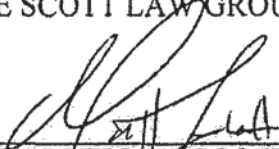
9 You may demand that the Plaintiffs file this lawsuit with the Court. If you do so, the
10 demand must be in writing and must be served upon the person signing this Summons. Within
11 fourteen (14) days after you serve the demand, the Plaintiffs must file this lawsuit with the
12 Court, or the service on you of this Summons and Complaint will be void.

13 If you wish to seek the advice of an attorney in this matter, you should do so promptly
14 so that your written response, if any, may be served on time.

15 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
16 State of Washington.

17 DATED this 18th day of April, 2011.

18 THE SCOTT LAW GROUP, P.S.

19
20 By: 
21 DARRELL W. SCOTT, WSBA #20241
22 MATTHEW J. ZUCHETTO, WSBA #33404
23 926 W. Sprague Avenue, Suite 680
24 Spokane, Washington 99201
25 Telephone: (509) 455-3966

-and-

BETH E. TERRELL, WSBA #26759
TOBY J. MARSHALL, WSBA #32726

SUMMONS: 2

LAW OFFICES
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SPOKANE, WA 99201-4466
(509) 455-3966

EXHIBIT A
PAGE 34 of 51

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JENNIFER RUST MURRAY, WSBA #36983
TERRELL MARSHALL DAUDT & WILLIE PLLC
936 North 34th Street, Suite 400
Seattle, Washington 98103
Telephone: (206) 816-6603

Attorneys for Plaintiff

SUMMONS: 3

LAW OFFICES
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SPOKANE, WA 99201-0466
(509) 455-3966

EXHIBIT A
PAGE 35 of 51


FILED

'APR 18 2011

THOMAS R. FALLOQUIST
SPOKANE COUNTY CLERK

(Copy Receipt)

Clerk's Date Stamp

 <p>SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE</p>	<p>JUDGE GREGORY D. SYPOLT 99</p>
<p>BROWN, KENNETH R.</p>	<p>CASE NO. 2011-02-01577-1</p>
<p>Plaintiff(s)/Petitioner(s), vs.</p>	<p>CASE ASSIGNMENT NOTICE AND ORDER</p>
<p>CONSUMER LAW ASSOC LLC, ETAL</p>	<p>CASE STATUS CONFERENCE DATE</p>
<p>Defendant(s)/Respondent(s).</p>	<p>JULY 22, 2011 AT 8:30 AM</p>

ORDER

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon two days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <http://www.spokanecounty.org/superiorcourt>

DATED: 04/18/2011



MARYANN C. MORENO
PRESIDING JUDGE

NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).

CASE ASSIGNMENT NOTICE LAR 0.4.1(b) (4/2001) Rpt032

Page 1 of 1

EXHIBIT A
PAGE 36 of 51

Kenneth R. Brown, individually and on behalf of a Class, et. al.,
Plaintiff(s)

vs.

Consumer Law Associates LLC, et al., et. al., Defendant(s)



Service of Process by

APS International, Ltd.

1-800-328-7171

APS International Plaza
7800 Glenroy Road
Minneapolis, MN 55439-3122

APS File #: 110591-0002

FILED

AFFIDAVIT OF SERVICE -- Corporate

Service of Process on:

-DR Options LLC d/b/a Debt Relief Options LLC, c/o CT Corporation System

Court Case No. 11-2-01577-1

MAY 05 2011

SCOTT LAW GROUP

Ms. Samantha Simatos
926 W. Sprague Ave. Suite 680
Spokane, WA 99201-5071

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

State of: TX ss.

County of: DALLAS

Name of Server:

Brandon Sachse, undersigned, being duly sworn, deposes and says
that at the time of service, s/he was of legal age and was not a party to this action;

Date/Time of Service: that on the 25 day of April, 2011, at 2:30 o'clock P M

Place of Service: at 350 N. St. Paul Street, Suite 2900, in Dallas, TX 75201-4234

Documents Served:

the undersigned served the documents described as:
Summons; Class Action Complaint; Case Assignment Notice; Order

Service of Process on:

A true and correct copy of the aforesaid document(s) was served on:
DR Options LLC d/b/a Debt Relief Options LLC, c/o CT Corporation System

Person Served, and
Method of Service:

By delivering them into the hands of an officer or managing agent whose name and
title is: Mica Minor Authorized to Accept

Description of
Person Receiving
Documents:

The person receiving documents is described as follows:

Sex F; Skin Color Blk; Hair Color Blk; Facial Hair

Approx. Age 30; Approx. Height 5'5; Approx. Weight 170

To the best of my knowledge and belief, said person was not engaged in the US
Military at the time of service.

Signature of Server:

Undersigned declares under penalty of perjury
that the foregoing is true and correct.

Subscribed and sworn to before me this

26 day of Apr, 2011

Sachse
Signature of Server

Notary Public

(Commission Expires)

APS International, Ltd.

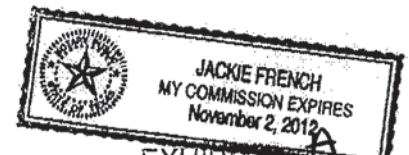


EXHIBIT A

PAGE 37 of 51

Kenneth R. Brown, individually and on behalf of a Class, et. al.,
Plaintiff(s)

vs.

Consumer Law Associates LLC, et al., et. al., Defendant(s)



Service of Process by

APS International, Ltd.

1-800-328-7171

APS International Plaza
7800 Glenroy Road
Minneapolis, MN 55439-3122

APS File #: 110591-0001

AFFIDAVIT OF SERVICE -- Corporate

SCOTT LAW GROUP
Ms. Samantha Simatos
926 W. Sprague Ave. Suite 680
Spokane, WA 99201-5071

FILED

MAY 05 2011

Service of Process on:

--EFA Processing L.P., c/o CT Corporation Systems
Court Case No. 11-2-01577-1

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

State of: TX ss.

County of: DALLAS

Name of Server: Brandon Salsse, undersigned, being duly sworn, deposes and says
that at the time of service, s/he was of legal age and was not a party to this action;

Date/Time of Service: that on the 25 day of April, 20 11, at 2:30 o'clock PM

Place of Service: at 350 N. St. Paul Street, Suite 2900, in Dallas, TX 75201-4234

Documents Served: the undersigned served the documents described as:
Summons; Class Action Complaint; Case Assignment Notice; Order

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:
EFA Processing L.P., c/o CT Corporation Systems

Person Served, and
Method of Service: By delivering them into the hands of an officer or managing agent whose name and
title is: Mica Mines, Auth to Accept

Description of
Person Receiving
Documents: The person receiving documents is described as follows:
Sex F; Skin Color BLK; Hair Color BLK; Facial Hair
Approx. Age 30; Approx. Height 5'5; Approx. Weight 170

☐ To the best of my knowledge and belief, said person was not engaged in the US
Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury
that the foregoing is true and correct.

Subscribed and sworn to before me this
26 day of Apr, 20 11

Signature of Server

Notary Public

(Commission Expires)

APS International, Ltd.

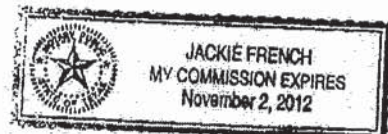


EXHIBIT A

PAGE 38 of 51

FILED

MAY 11 2011

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SPOKANE COUNTY

KENNETH R. BROWN, individually and on
behalf of a Class of similarly situated
Washington residents,

Plaintiff,

v.

CONSUMER LAW ASSOCIATES LLC, a
Maryland Limited Liability Company; JIMMY
B. PERSELS, a Maryland Attorney; NEIL J.
RUTHER, a Maryland Attorney; DR OPTIONS
LLC d/b/a DEBT RELIEF OPTIONS LLC, a
Texas Limited Liability Company; EFA
PROCESSING L.P., a Texas Limited
Partnership and JOHN AND JANE DOES 1-20,

Defendants.

No. 11-2-01577-1

NOTICE OF APPEARANCE

TO: Plaintiffs above-named Darrell W. Scott and Matthew J. Zuchetto, of THE SCOTT LAW
GROUP, P.S., and Beth E. Terrell, Toby J. Marshall and Jennifer Rust Murray of TERRELL
MARSHALL DAUDT & WILLIE PLLC, their attorneys

PLEASE TAKE NOTICE that defendants CONSUMER LAW ASSOCIATES LLC.,
JIMMY PERSELS and NEIL RUTHER, above-named, without waiving insufficient service of
process, lack of jurisdiction, or any other defense, hereby appear in the above-entitled cause by
the undersigned attorneys, and request that all further pleadings or papers, exclusive of original
process, be served upon the undersigned attorneys at the address below.

NOTICE OF APPEARANCE - 1

EXHIBIT A
PAGE 39 of 51

1 Stevan D. Phillips
2 Leonard Feldman
3 Christopher N. Weiss
4 Rita V. Latsinova

5 DATED: May 9, 2011.

6 STOEL RIVES LLP

7 
8 Stevan D. Phillips, WSBA No. 2257

9 Leonard J. Feldman, WSBA No. 20961

10 Christopher N. Weiss, WSBA No. 14826

11 Rita V. Latsinova, WSBA No. 24447

12 Email: sdphillips@stoel.com

13 Email: ljfeldman@stoel.com

14 Email: cnweiss@stoel.com

15 Email: rvlatsinova@stoel.com

16 Attorneys for Defendants CONSUMER LAW
17 ASSOCIATES LLC; JIMMY PERSELS &
18 NEIL RUTHER
19
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NOTICE OF APPEARANCE - 2

EXHIBIT A
PAGE 40 of 51

Certificate of Service

I, Cindy Castro, certify that at all times mentioned herein, I was and am a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On May 9, 2011, I caused a true and correct copy of the foregoing document to be served on counsel of record for plaintiffs in the above-captioned action by pdf/email and by U. S. mail:

Darrell W. Scott
Matthew J. Zuchetto
THE SCOTT LAW GROUP, P.S.
926 W. Sprague Avenue, Suite 680
Spokane, WA 99201
Tel: 509-455-3966
Email: scottgroup@mac.com
Email: matthewzuchetto@mac.com

Beth Terrell
Toby Marshall
Jennifer Rust Murray
TERRELL MARSHALL DAUDT & WILLIE
936 North 34th Street, Ste 400
Seattle, WA 98103
Email: bterrell@tmdlegal.com
Email: tmarshall@tmdlegal.com
Email: jmurray@tmdlegal.com

STOEL RIVES LLP


Cindy Castro, Legal Secretary

DATED at Seattle, WA this May 9, 2011

FILED

MAY 11 2011

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SPOKANE COUNTY

KENNETH R. BROWN, individually and on
behalf of a Class of similarly situated
Washington residents,

Plaintiff,

v.

CONSUMER LAW ASSOCIATES LLC, a
Maryland Limited Liability Company; JIMMY
B. PERSELS, a Maryland Attorney; NEIL J.
RUTHER, a Maryland Attorney; DR OPTIONS
LLC d/b/a DEBT RELIEF OPTIONS LLC, a
Texas Limited Liability Company; EFA
PROCESSING L.P., a Texas Limited
Partnership and JOHN AND JANE DOES 1-20,

Defendants.

No. 11-2-01577-1

NOTICE OF APPEARANCE

TO: Plaintiffs above-named Darrell W. Scott and Matthew J. Zuchetto, of THE SCOTT LAW
GROUP, P.S., and Beth E. Terrell, Toby J. Marshall and Jennifer Rust Murray of TERRELL
MARSHALL DAUDT & WILLIE PLLC, their attorneys

PLEASE TAKE NOTICE that defendants CONSUMER LAW ASSOCIATES LLC.,
JIMMY PERSELS and NEIL RUTHER, above-named, without waiving insufficient service of
process, lack of jurisdiction, or any other defense, hereby appear in the above-entitled cause by
the undersigned attorneys, and request that all further pleadings or papers, exclusive of original
process, be served upon the undersigned attorneys at the address below.

NOTICE OF APPEARANCE - 1

EXHIBIT A
PAGE 42 of 51

1 Stevan D. Phillips
2 Leonard Feldman
3 Christopher N. Weiss
4 Rita V. Latsinova

5 DATED: May 9, 2011.

6 STOEL RIVES LLP

7 

8 Stevan D. Phillips, WSBA No. 2257

9 Leonard J. Feldman, WSBA No. 20961

10 Christopher N. Weiss, WSBA No. 14826

11 Rita V. Latsinova, WSBA No. 24447

12 Email: sdphillips@stoel.com

13 Email: ljfeldman@stoel.com

14 Email: cnweiss@stoel.com

15 Email: rvlatsinova@stoel.com

16 Attorneys for Defendants CONSUMER LAW
17 ASSOCIATES LLC; JIMMY PERSELS &
18 NEIL RUTHER
19
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NOTICE OF APPEARANCE - 2

EXHIBIT A
PAGE 43 of 51

Certificate of Service

I, Cindy Castro, certify that at all times mentioned herein, I was and am a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On May 9, 2011, I caused a true and correct copy of the foregoing document to be served on counsel of record for plaintiffs in the above-captioned action by pdf/email and by U. S. mail:

Darrell W. Scott
Matthew J. Zuchetto
THE SCOTT LAW GROUP, P.S.
926 W. Sprague Avenue, Suite 680
Spokane, WA 99201
Tel: 509-455-3966
Email: scottergroup@mac.com
Email: matthewzuchetto@mac.com

Beth Terrell
Toby Marshall
Jennifer Rust Murray
TERRELL MARSHALL DAUDT & WILLIE
936 North 34th Street, Ste 400
Seattle, WA 98103
Email: bterrell@tmdlegal.com
Email: tmarshall@tmdlegal.com
Email: jmurray@tmdlegal.com

STOEL RIVES LLP


Cindy Castro, Legal Secretary

DATED at Seattle, WA this May 9, 2011

Brown, et. al., Plaintiff(s)
vs.
Consumer Law Associates, et. al., Defendant(s)

FILED

MAY 12 2011

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK



Service of Process by
APS International, Ltd.
1-800-328-7171

APS International Plaza
7800 Glenroy Road
Minneapolis, MN 55439-3122

APS File #: 110545-0001

AFFIDAVIT OF SERVICE -- Corporate

Service of Process on:

—Consumer Law Associates LLC, c/o CT Corporation
System, as RA
Court Case No. 11-2-01577-1

SCOTT LAW GROUP
Ms. Samantha Simatos
926 W. Sprague Ave. Suite 680
Spokane, WA 99201-5071

State of: WASHINGTON) ss.County of: KING)

Name of Server: COLLEEN D. CLARKE, undersigned, being duly sworn, deposes and says
that at the time of service, s/he was of legal age and was not a party to this action;

Date/Time of Service: that on the 27th day of April, 2011, at 11:07 o'clock A M

Place of Service: at 1801 West Bay Drive NW, Ste. 206, in Olympia, WA 98502

Documents Served: the undersigned served the documents described as:
Summons; Class Action Complaint; Case Assignment Notice; Order

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:
Consumer Law Associates LLC, c/o CT Corporation System, as RA

Person Served, and
Method of Service: By delivering them into the hands of an officer or managing agent whose name and
title is: TREVOR GARROUTTE, ADMINISTRATIVE ASSISTANT

Description of
Person Receiving
Documents: @ THE CT CORPORATION, AUTHORIZED TO ACCEPT.
The person receiving documents is described as follows:

Sex M; Skin Color white; Hair Color blonde; Facial Hair _____

Approx. Age 32; Approx. Height 5'6"; Approx. Weight 170

☐ To the best of my knowledge and belief, said person was not engaged in the US
Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury
that the foregoing is true and correct.

Subscribed and sworn to before me this
3rd day of May, 2011

C.D. Clarke
Signature of Server

[Signature]
Notary Public

(Commission Expires)

COLLEEN D. CLARKE, Registered
APS International, Ltd. Process Server
#1116245

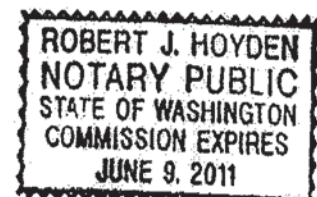


EXHIBIT B



**Service of Process
Transmittal**

04/27/2011

CT Log Number 518428737



TO: Kimberly Grimsley, Esquire
Bowie & Jensen LLC
29 West Susquehanna Avenue, Suite 600
Towson, MD 21204

RE: **Process Served in Washington**

FOR: Consumer Law Associates, LLC (Domestic State: MD)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Kenneth R. Brown, individually and on behalf of a Class of similarly situated Washington residents, Pltf. vs. Consumer Law Associates LLC, etc., et al., Dfts. *Name discrepancy noted.*

DOCUMENT(S) SERVED: Summons, Class Action Complaint, Case Assignment Notice and Order

COURT/AGENCY: Spokane County, Superior Court, WA
Case # 11201577-1

NATURE OF ACTION: Unfair and deceptive practice - Violation of the Washington Debt Adjusting Act, Washington Consumer Protection Act

ON WHOM PROCESS WAS SERVED: CT Corporation System, Olympia, WA

DATE AND HOUR OF SERVICE: By Process Server on 04/27/2011 at 11:07

JURISDICTION SERVED : Washington

APPEARANCE OR ANSWER DUE: Within 20 days after service, excluding the day of service - Response // July 22, 2011 at 8:30 a.m. - Status Conference

ATTORNEY(S) / SENDER(S): Matthew J. Zuchetto
The Scott Law Group, P.S.
926 W Sprague Avenue
Suite 680
Spokane, WA 99201
(509) 455-3966

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 794698389490
Email Notification, James McQuide jmcquide@perselslaw.com

SIGNED: CT Corporation System
PER: Michele Rowe
ADDRESS: 1801 West Bay Drive NW
Suite 206
Olympia, WA 98502
TELEPHONE: 360-357-6794

Page 1 of 1 / MR

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

EXHIBIT B
PAGE 47 of 51

EXHIBIT C

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SPOKANE COUNTY

KENNETH R. BROWN, individually and
on behalf of a Class of similarly situated
Washington residents,

Plaintiff,

v.

CONSUMER LAW ASSOCIATES LLC, a
Maryland Limited Liability Company;
JIMMY B. PERSELS, a Maryland
Attorney; NEIL J. RUTHER, a Maryland
Attorney; DR OPTIONS LLC d/b/a DEBT
RELIEF OPTIONS LLC, a Texas Limited
Liability Company; EFA PROCESSING
L.P., a Texas Limited Partnership and JOHN
AND JANE DOES 1-20,

Defendants.

No. 11-2-01577-1

NOTICE OF FILING NOTICE OF
REMOVAL

To: The above-named parties and their counsel of record

PLEASE TAKE NOTICE that on May 16, 2011, defendants Consumer Law Associates LLC; Jimmy Persels and Neil Ruther filed a Notice of Removal, removing this case to the United States District Court for the Eastern District of Washington. Attached as Exhibit A is a true and correct copy of the Notice of Removal. The filing of the Notice of Removal in federal court, together with the filing of the Notice of Removal in this Court, pursuant to 28 U.S.C. § 1446(d),

NOTICE OF FILING NOTICE OF REMOVAL - 1

EXHIBIT

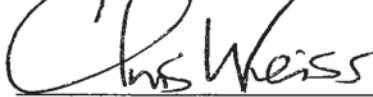
PAGE 49 of 51

1 effected immediate removal of the action from this Court to the United States District Court for
2 the Eastern District of Washington.

3 YOU ARE ALSO ADVISED that this Court shall proceed no further unless and until the
4 case is remanded.

5 DATED: May16, 2011.

6 STOEL RIVES LLP

7 

8 Stevan D. Phillips, WSBA No. 2257

9 Christopher N. Weiss, WSBA No. 14826

10 Leonard J. Feldman, WSBA No. 20961

11 Rita V. Latsinova, WSBA No. 24447

12 Email: sdphillips@stoel.com

13 Email: cnweiss@stoel.com

14 Email: ljfeldman@stoel.com

15 Email: rvlatsinova@stoel.com

16 Attorneys for Defendants CONSUMER LAW
17 ASSOCIATES LLC; JIMMY PERSELS &
18 NEIL RUTHER
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NOTICE OF FILING NOTICE OF REMOVAL - 2

EXHIBIT C
PAGE 51 of 51

Certificate of Service

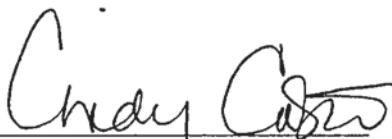
I, Cindy Castro, certify that at all times mentioned herein, I was and am a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On May 16, 2011, I caused a true and correct copy of the foregoing document to be served on counsel of record for plaintiffs in the above-captioned action by pdf/email and by U. S. mail:

Darrell W. Scott
Matthew J. Zuchetto
THE SCOTT LAW GROUP, P.S.
926 W. Sprague Avenue, Suite 680
Spokane, WA 99201
Tel: 509-455-3966
Email: scottgroup@mac.com
Email: matthewzuchetto@mac.com

Beth Terrell
Toby Marshall
Jennifer Rust Murray
TERRELL MARSHALL DAUDT & WILLIE
936 North 34th Street, Ste 400
Seattle, WA 98103
Email: bterrell@tmdlegal.com
Email: tmarshall@tmdlegal.com
Email: jmurray@tmdlegal.com

DATED: MAY 16, 2011.


Cindy Castro, Legal Secretary

NOTICE OF FILING NOTICE OF REMOVAL - 3

EXHIBIT C
PAGE 51 of 51